

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JERRY ACKERMAN, et al.,)	
)	
Plaintiffs,)	
)	Case No. 4:11 CV 687 RWS
v.)	
)	
GLOBAL VEHICLES U.S.A., INC., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant Mahindra & Mahindra's Motion to Vacate or Reconsider August 26, 2011 Order [#39]. Mahindra requests that I vacate or reconsider the Order entered on August 26, 2011 to the extent it grants Plaintiffs leave to serve Mahindra by alternative means pursuant to Rule 4(f)(3).

Plaintiffs sought to serve Mahindra, an Indian Corporation, by serving Mahindra's local counsel. The August 26, 2011 Order [#37] granted Plaintiffs' motion. Plaintiffs indicate in their motion that they are pursuing service according to the procedures set out in the Hague Convention. While it is not necessary that all possible methods of service be exhausted prior to a party seeking relief under Rule 4(f)(3), Plaintiffs have begun the process of serving Mahindra under the Hague Convention and expect for service to be completed in the next 120 days. In light of the authority cited by Mahindra, I will vacate the August 26, 2011 Order to the extent it granted Plaintiffs leave to serve Mahindra's local counsel and deny Plaintiffs' Motion to serve local counsel without prejudice.

Accordingly,

IT IS HEREBY ORDERED that Mahindra & Mahindra's Motion to Vacate or Reconsider [#39] is **GRANTED** in part and **DENIED** in part. The Order entered on August 26, 2011 [#37] is **VACATED** to the extent it grants Plaintiffs leave to serve Mahindra & Mahindra pursuant to Rule 4(f)(3).

IT IS FURTHER ORDERED that Plaintiff's Motion to Serve Mahindra & Mahindra Pursuant to Rule 4(f)(3) [#31] is **DENIED** without prejudice.

IT IS FURTHER ORDERED that Mahindra & Mahindra's Motion to Dismiss [#13] is **DENIED** as moot, without prejudice, to the extent it seeks dismissal for lack of service.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 30th day of August, 2011.